

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 570

Introduced by Senator Maldonado

February 27, 2009

An act to ~~amend Section 22352 of~~ add Section 22358.1 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, Maldonado. ~~Prima Vehicles: prima facie speed limits: suburban streets: rural roads.~~

Existing law authorizes the Department of Transportation, after consultation with the Department of the California Highway Patrol, whenever it determines upon the basis of an engineering and traffic survey on existing highway segments, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highway segments, that a speed greater than 65 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway, or portion thereof, to declare, with the approval of the Department of the California Highway Patrol, a higher maximum speed of 70 miles per hour.

This bill would require the Department of Transportation, in consultation with the Department of the California Highway Patrol and interested parties as determined necessary by the Department of Transportation, to make an assessment as to whether it is appropriate to establish in statute a new prima facie speed limit with regard to undivided highways that were designed as rural roads but are now in areas that have experienced substantial residential development. This bill would require the department, if it determines a new prima facie speed limit is appropriate, to recommend a new prima facie speed limit

for those roads, and any conditions that should apply to the roads that would be subject to the new speed limit. The bill would require the department to make a report to the Senate Committee on Transportation and Housing and the Assembly Committee on Transportation no later than June 30, 2010.

~~Existing law provides that the prima facie speed limit is 15 miles per hour under certain circumstances and 25 miles per hour under other specified circumstances. Existing law requires that the prima facie speed limit be applicable unless changed as authorized in the Vehicle Code and, if so changed, only when signs have been erected giving notice of that speed limit. Violation of these provisions is a crime.~~

~~This bill would additionally establish a 40-mile-per-hour prima facie speed limit on any street or roadway and on any highway, other than a state highway, where the residential density consists of 8 residential units or more fronting the street, roadway, or highway over a distance of $\frac{1}{4}$ mile, when posted with a sign giving notice of that residential density. The bill would permit a different speed limit to be determined by a local authority under procedures set forth in the Vehicle Code and would require that the different speed be indicated on the residential density posting. By creating a new crime, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 22358.1 is added to the Vehicle Code, to*
- 2 *read:*
- 3 *22358.1. Notwithstanding any other law, the Department of*
- 4 *Transportation, in consultation with the Department of the*
- 5 *California Highway Patrol and interested parties as determined*
- 6 *necessary by the Department of Transportation, shall make an*
- 7 *assessment as to whether it is appropriate to establish in statute*
- 8 *a new prima facie speed limit with regard to undivided highways*
- 9 *that were designed as rural roads but are now in areas that have*

1 *experienced substantial residential development. In making its*
2 *assessment, if the department determines a new prima facie speed*
3 *limit is appropriate, the department shall recommend the new*
4 *prima facie speed limit for these roads and any conditions that*
5 *should apply to the roads that would be subject to the new speed*
6 *limit. The department shall make a report to the Senate Committee*
7 *on Transportation and Housing and the Assembly Committee on*
8 *Transportation no later than June 30, 2010.*

9 ~~SECTION 1. Section 22352 of the Vehicle Code is amended~~
10 ~~to read:~~

11 ~~22352. The prima facie speed limits are as follows and shall~~
12 ~~be applicable unless changed as authorized in this code and, if so~~
13 ~~changed, only when signs have been erected giving notice of that~~
14 ~~speed limit:~~

15 ~~(a) Fifteen miles per hour:~~

16 ~~(1) When traversing a railway grade crossing, if during the last~~
17 ~~100 feet of the approach to the crossing the driver does not have~~
18 ~~a clear and unobstructed view of the crossing and of any traffic on~~
19 ~~the railway for a distance of 400 feet in both directions along the~~
20 ~~railway. This subdivision does not apply in the case of any railway~~
21 ~~grade crossing where a human flagman is on duty or a clearly~~
22 ~~visible electrical or mechanical railway crossing signal device is~~
23 ~~installed but does not then indicate the immediate approach of a~~
24 ~~railway train or car.~~

25 ~~(2) When traversing any intersection of highways if during the~~
26 ~~last 100 feet of the driver's approach to the intersection the driver~~
27 ~~does not have a clear and unobstructed view of the intersection~~
28 ~~and of any traffic upon all of the highways entering the intersection~~
29 ~~for a distance of 100 feet along all those highways, except at an~~
30 ~~intersection protected by stop signs or yield right-of-way signs or~~
31 ~~controlled by official traffic control signals.~~

32 ~~(3) On any alley:~~

33 ~~(b) Twenty-five miles per hour:~~

34 ~~(1) On any highway other than a state highway, in any business~~
35 ~~or residence district unless a different speed is determined by local~~
36 ~~authority under procedures set forth in this code.~~

37 ~~(2) When approaching or passing a school building or the~~
38 ~~grounds thereof, contiguous to a highway and posted with a~~
39 ~~standard "SCHOOL" warning sign, while children are going to or~~
40 ~~leaving the school either during school hours or during the noon~~

1 recess period. The prima facie limit shall also apply when
2 approaching or passing any school grounds which are not separated
3 from the highway by a fence, gate, or other physical barrier while
4 the grounds are in use by children and the highway is posted with
5 a standard “SCHOOL” warning sign. For purposes of this
6 subparagraph, standard “SCHOOL” warning signs may be placed
7 at any distance up to 500 feet away from school grounds.

8 (3) When passing a senior center or other facility primarily used
9 by senior citizens, contiguous to a street other than a state highway
10 and posted with a standard “SENIOR” warning sign. A local
11 authority is not required to erect any sign pursuant to this paragraph
12 until donations from private sources covering those costs are
13 received and the local agency makes a determination that the
14 proposed signing should be implemented. A local authority may,
15 however, utilize any other funds available to it to pay for the
16 erection of those signs.

17 (e) Forty miles per hour on any street or roadway and on any
18 highway, other than a state highway, where the residential density
19 consists of eight residential units or more fronting the street,
20 roadway, or highway over a distance of one-quarter mile, when
21 posted with a sign giving notice of that residential density. A
22 different prima facie speed limit may be established by a local
23 authority under procedures set forth in this code, in which case the
24 different speed limit shall be indicated on the residential density
25 posting.

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.